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REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The above newly amended paragraphs 13-15 of the specification overcome some informalities noted in the specification on file. The undersigned avers that the newly amended paragraphs of the specification do not contain any new subject matter.

Claims 8, 12, 21 and 25 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Bolinger et al. '003. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection of claims 8, 12, 21 and 25 in view of the following remarks.

Bolinger et al. '003 relates to a hydraulic transmission drive assembly with noise attenuation means. This system includes a pair of hydraulic units 30 and 31. These hydraulic units 30 and 31 are coaxial piston units and are interconnected by a port plate 32. This plate 32 is secured to a transmission housing 12 via "connecting elements" 25, 26 and 80, as indicated by the Examiner. These "connecting elements" consist of a cylindrical wall 25, an end wall 26 and a mounting 80. As seen in Fig. 1 of Bolinger et al. '003, the "connecting elements" 25, 26 and 80 in no way lie in a plane which is defined by the port plate 32. This is contrary to the invention, as presently claimed, in which the intermediate plate 2 defines a plane and the connecting elements 6 intersect that plane.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims 8 and 21 of this application now recite the features of "the intermediate plate (2) defining a plane and being secured to a transmission housing (7) via connecting elements (6) including elastic damping elements (5), and said hydraulic pump (1) and said hydraulic motor (3) communicate with said mechanical power branch via shafts (12, 17) which are floatingly supported, wherein remote ends of said shafts (12, 17) have one of crowned teeth and spiral gearing at connecting points (14, 19) which couple said shafts (12, 17) to the mechanical power branch and the connecting elements

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Intersect the plane". (Emphasis added.) Independent claim 21 now recites similar limitations. Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

The Applicant thanks the Examiner for indicating that claims 9-11 13, 22-24 and 26-27 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In accordance with this indication, claim 13 is appropriately revised to be an independent claim, and this independent claim is now believed to be allowable. As new claims 28-31 depend, either directly or indirectly, from independent claim 13, those dependent claims are believed to be allowable as well.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Bolinger et al. '003 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

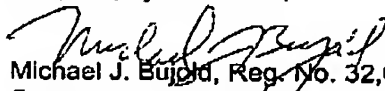
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The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


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